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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,023	11/07/2005	Gordon Cook	4140-0112PUS1	7457
2292	7590	06/13/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BROWN, MICHAEL A	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/523,023

Applicant(s)

COOK ET AL.

Examiner

Michael Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-1-05</u>  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson '262.

Johnson '262 discloses in figures 1-6 a device for use in applying impulse therapy to a limb of the human body comprising an inflatable bladder 6, means (1, 1a), for providing intermittent pulse of fluid to the bladder, means 3, for securing the bladder around the limb and the bladder includes a volume-reducing internal component 34, that is a foam material (urethane).

As for claims 7-9, Johnson '262 discloses a device for use in applying impulse therapy to a limb of the human body comprising a flexible pad 6, having an inflatable interior 9, means (1, 1a), for providing intermittent impulse of fluid, means 3, for securing the flexible pad around the limb, the inflatable interior is partially filled with a cellular component 34, providing means for reducing fluid flow rate, the cellular component is a foam material (urethane). In claim 8, no patentable weight was given to how the cellular component is formed.

As for claim 10, Johnson '262 discloses a device for use in applying impulse therapy to a limb of the human body comprising a flexible pad 9, having an inflatable

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chamber 9, means (1, 1a), for providing intermittent impulse of fluid, means 3, for securing the flexible pad around the limb, a means 34, for reducing the internal volume of the chamber.

As for claim 12, Johnson '262 discloses a device for use in applying impulse therapy to a limb of the human body comprising a flexible pad 6, having an internal chamber 9, adjustable securing means 3, (the means 3 can be move on the limb, making it adjustable), means 9a, for maintaining pressurization.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '262 in view of Gorran.

Johnson '262 discloses in figures 1-3 an inflatable therapy device, substantially as claimed. However, Johnson doesn't disclose the internal component being a gel. Gorran teaches in figure 1 an inflatable device comprising an internal component that is a gel (col. 3, lines 15-20), used to inflate a bladder. It would been obvious to one having ordinary skill in the art at the time that the invention was made that the gel as taught by Gorran could be substituted for the internal component disclosed by Johnson because either internal component could be used to reduce volume in the inflatable device.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '262 in view of Johnson '262.

Johnson '262 discloses in figures 1-6 a device for applying impulse therapy, substantially as claimed. However, Johnson doesn't disclose the internal component being a fluid reservoir. Johnson '262 teaches in figure 3 an internal component 10, that is a fluid reservoir. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the internal component being a fluid reservoir as taught by Johnson could be substituted for the internal component disclosed by Johnson because either internal component could be used to reduce volume within the inflatable bladder. The foam is attached to the walls because the device is integral.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Grim '525.

Grim teaches in figure 7 foam 72, having channels (col. 4, lines 60-65), therein. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the foam disclosed by Johnson could be fabricated with channels as taught by Grim in order to allow air to flow along the channels inside of the inflatable bladder.

### ***Conclusion***

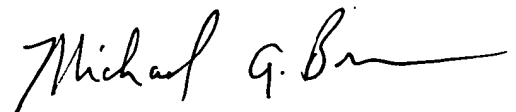
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rutt and Johnson '955, each disclose a therapy device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Brown  
June 2, 2006



MICHAEL A. BROWN  
PRIMARY EXAMINER